

17.08.050 – Nonconforming lots of record

This Section regulates lots of record, existing on the effective date of this Title, which do not conform to the lot area or lot width requirements of the district in which they are located. No nonconforming lot of record may be improved except in compliance with this Section.

1. Individual Lots of Record in Residential and Mixed Use Districts

In residential districts and the CBD-2 Mixed Use Business District, a single family dwelling may be constructed and maintained on a lot which is nonconforming as to minimum lot area and/or minimum lot width, if the lot was of record on May 23, 1960, was in separate ownership on the effective date of this Title, and conforms to all other requirements of the zoning district in which it is located.

In the CBD-2 and RT-4 Traditional Single and Two-Family Residential district, a two-family dwelling may be constructed and maintained on a lot which is nonconforming as to minimum lot area and/or minimum lot width, if the lot was of record on May 23, 1960, was in separate ownership on the effective date of this Title, and conforms to all other requirements of the zoning district in which it is located, if the lot contained a two or more unit dwelling on the effective date of this Title.

2. Lots of Record Held in Common Ownership

If on the effective date of this Title there are two (2) or more lots of record with contiguous frontage in single ownership, and one (1) or more of the lots is nonconforming as to minimum lot area and/or minimum lot width, the lots shall be considered to be a single undivided parcel for the purposes of this Title. No portion of said parcel shall be used or conveyed which does not meet the lot width and lot area requirements established by this Title. No division of the parcel shall be made which leaves the remaining lot(s) with lot width or lot area below the requirements of this Title. No building permit shall be issued for the use of any lot or portion of a lot, transferred or conveyed in violation of this Section.

If the Board of Zoning Appeals grants a variation or variations to the required minimum lot area or width that renders the contiguous nonconforming lots buildable, then the provisions of this section shall be considered satisfied and the lots of record may be conveyed and building permits may be issued, to the extent authorized by the variation.

(1960-16 : § V (G); 2015-Z-27 : §2)